HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 7428 OF 2006

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Dated 28th April, 2006

Between:

Smt. V.Sudharani

W/o Late Venkateswara Rao.

… Petitioner

And

The Conservator of Forest,

Visakhapatnam and others.

… Respondents.

ORDER:

This writ petition is filed by a licensee of sawmill, which is being run in the name and style of Sri Krishna Sawmill and Furnture Works, Sirisuwada challenging order dated 24.3.2006 passed in proceedings Rc.No.4678/2001-A5 by the Divisional Forest Officer, Srikakulam.

The impugned order is passed by the Divisional Forest Officer, Srikakulam declaring that the licence granted to Sri Krishna Saw Mill and Furniture Works is deemed to have lapsed, inasmuch as no renewal application is filed within the stipulated time as per the provisions under the A.P. Saw Mill (Regulation) Rules, 1969. As per the said rules, an application can be submitted for renewal with penalty before the end of February of succeeding year than the licensing year. Though it is the case that the petitioner has filed application before the expiry by paying necessary fees by way of challan, but the same is a matter to be verified. However, it is also the case of the petitioner that the order impugned is passed before the expiry of the time granted in show-cause notice dated 16.3.2006.

In the affidavit filed in support of the writ petition, it is categorically stated that the show cause notice dated 16.3.2006 was dispatched on 18.3.2006 and was served on 21.3.2006 and though seven days time was given for giving explanation, but, even before the expiry of the said period, impugned order was passed.

Though counter affidavit has been filed, but the allegations referred to above are not controverted by the respondents. On the short ground of not giving opportunity before passing the impugned order, the impugned order is set aside and the petitioner is granted four weeks time from today to submit explanation to the show cause notice. On filing such an explanation, the Divisional Forest Officer, Srikakulam is directed to consider the explanation with reference to her plea that she has already submitted application for renewal by depositing the requisite amount so as to consider her case for renewal for the current year as per the provisions of the A.P. Saw Mill (Regulation) Rules, 1969.

It is needless to mention that in the affidavit it is stated that the machinery, which was seized and confiscated earlier was ordered to be released in view of the orders passed by the appellate authority, and, in the counter affidavit, it is stated that the confiscated articles including the machinery was already released on 18.3.2006.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

2006. **(R.SUBHASH REDDY)**

VR